

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

KIM DEPRIMA,

Plaintiff,

v.

CITY OF NEW YORK DEPARTMENT OF
EDUCATION,

Defendant.

MARGO K. BRODIE, United States District Judge:

Plaintiff Kim DePrima, proceeding *pro se*, commenced the above-captioned action on July 20, 2012, against Defendant City of New York Department of Education alleging violations of her constitutional rights to equal protection, due process and freedom of speech or association, as well as violations of her rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* (“Title VII”) and the New York State Human Rights Law, N.Y. Exec. Law § 296(16) (“NYSHRL”). Defendant moved to dismiss the Second Amended Complaint. (Docket Entry No. 19.) The Court referred Defendant’s motion to Magistrate Judge Lois Bloom for a report and recommendation. On January 15, 2014, Judge Bloom filed a report and recommendation (“R&R”) recommending that the Court grant Defendant’s motion to dismiss the Second Amended Complaint in its entirety. (Docket Entry No. 25.) Plaintiff filed her objections on February 24, 2014.¹ (Docket Entry No. 27.) On March 20, 2014, the Court adopted Judge Bloom’s R&R, as modified, and granted leave to Plaintiff to file an amended complaint within 30 days to plausibly allege an equal protection claim based on selective enforcement and a First

¹ Plaintiff failed to file objections by the deadline but subsequently requested, and was granted, additional time to file her objections.

ORDER
12-CV-3626 (MKB)

Amendment retaliation claim based on intimate association. (Docket Entry No. 29.) Plaintiff failed to file an amended complaint within the allotted time.

Although the Court specifically identified the factual deficiencies fatal to Plaintiff's claims, and gave Plaintiff additional time to amend her Second Amended Complaint, Plaintiff failed to amend. Because of Plaintiff's failure to file an amended complaint and in accordance with the Court's March 20, 2014 Memorandum and Order, the Court dismisses Plaintiff's Second Amended Complaint in its entirety. The Clerk of Court is directed to close this case.

SO ORDERED:

s/ MKB
MARGO K. BRODIE
United States District Judge

Dated: April 29, 2014
Brooklyn, New York